

## Department of State

## § 124.1

- 124.2 Exemptions for training and military service.
- 124.3 Exports of technical data in furtherance of an agreement.
- 124.4 Deposit of signed agreements with the Office of Defense Trade Controls.
- 124.5 Proposed agreements that are not concluded.
- 124.6 Termination of manufacturing license agreements and technical assistance agreements.
- 124.7 Information required in all manufacturing license agreements and technical assistance agreements.
- 124.8 Clauses required both in manufacturing license agreements and technical assistance agreements.
- 124.9 Additional clauses required only in manufacturing license agreements.
- 124.10 Nontransfer and use assurances.
- 124.11 Congressional certification pursuant to Section 36(d) of the Arms Export Control Act.
- 124.12 Required information in letters of transmittal.
- 124.13 Procurement by United States persons in foreign countries (offshore procurement).
- 124.14 Exports to warehouses or distribution points outside the United States.
- 124.15 Special Export Controls for Defense Articles and Defense Services Controlled under Category XV: Space Systems and Space Launches.

AUTHORITY: Sec. 2, 38, and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); E.O. 11958, 42 FR 4311; 3 CFR 1977 Comp. p. 79; 22 U.S.C. 2651a; 22 U.S.C. 2776; Pub. L. 105-261.

SOURCE: 58 FR 39305, July 22, 1993, unless otherwise noted.

### **§ 124.1 Manufacturing license agreements and technical assistance agreements.**

(a) The approval of the Office of Defense Trade Controls must be obtained before the defense services described in § 120.9(a) of this subchapter may be furnished. In order to obtain such approval, the U.S. person must submit a proposed agreement to the Office of Defense Trade Controls. Such agreements are generally characterized as either Manufacturing license agreements, technical assistance agreements, distribution agreements or off-shore procurement agreements, and may not enter into force without the prior written approval of the Office of Defense Trade Controls. Once approved, the defense services described in the agreements may generally be provided without further licensing in accordance

with §§ 124.3 and 125.4(b)(2) of this subchapter. The requirements of this section apply whether or not technical data is to be disclosed or used in the performance of the defense services described in § 120.9(a) of this subchapter (e.g., all the information relied upon by the U.S. person in performing the defense service is in the public domain or is otherwise exempt from the licensing requirements of this subchapter pursuant to § 125.4 of this subchapter). This requirement also applies to the training of any foreign military forces, regular and irregular, in the use of defense articles. Technical assistance agreements must be submitted in such cases. In exceptional cases, The Office of Defense Trade Controls, upon written request, will consider approving the provision of defense services described in § 120.9(a) of this subchapter by granting a license under part 125 of this subchapter. Also, see § 126.8 of this subchapter for the requirements for prior approval of proposals relating to significant military equipment.

(b) *Classified Articles.* Copies of approved agreements involving the release of classified defense articles will be forwarded by the Office of Defense Trade Controls to the Defense Investigative Service of the Department of Defense.

(c) *Amendments.* Changes to the scope of approved agreements, including modifications, upgrades, or extensions must be submitted for approval. The amendments may not enter into force until approved by the Office of Defense Trade Controls.

(d) *Minor Amendments.* Amendments which only alter delivery or performance schedules, or other minor administrative amendments which do not affect in any manner the duration of the agreement or the clauses or information which must be included in such agreements because of the requirements of this part, do not have to be submitted for approval. One copy of all such minor amendments must be submitted to the Office of Defense Trade Controls within thirty days after they are concluded.